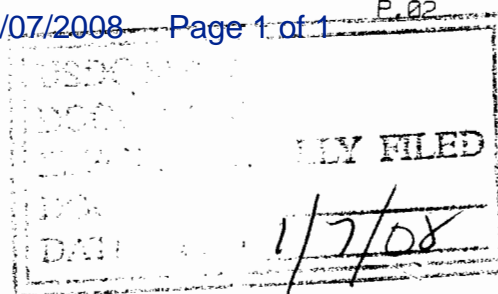




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
Federal Habeas Corpus Section

RECEIVED JAN 10 2008

January 4, 2008

BY FACSIMILE

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 510
New York, New York 10007-1312
Fax: (212) 805-4268

MEMORANDUM FOR THE COURT

Re: James Kirk v. John Burge
07 Civ. 7467 (LTS) (GWG)

Dear Judge Gorenstein:

I am writing for an extension of time until April 4, 2008, to file the Attorney General's response in this case. In this case, Your Honor signed a Rule 4 Order directing the Attorney General to respond to the petition by November 13, 2007, but my office did not receive the Court's order until December 20, 2007. Accordingly, I am requesting an extension, so this case can be assigned, and we can obtain the state court records, and prepare a response to the petition.

Respectfully submitted,

Alyson J. Gill
Alyson J. Gill
Assistant Attorney General

cc (by U.S. Mail): Marlon G. Kirton, Esq.
Attorney for James Kirk
230 Park Avenue, Ste. 1000
New York, New York 10169

*Granted - No further extensions
absent extraordinary circumstances
that must be demonstrated by formal
motion
Petitioner may respond 30
days thereafter.*

SUBMITTED: DATE: 1/4/2008
Gabriel W. Gorenstein
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE